WARRANTS

Description:

How to order/issue and recall a warrant.

Reference:

Utah Code Ann. § 77-7-5
Utah Code Ann. § 77-20B-101

Overview:

Civil Bench Warrant - A civil warrant is ordered by the Court for a non-appearance after being served with an order to appear and prepared by the party requesting the bench warrant. A civil bench warrant is not issued/created in the warrant screen. It is issued in the document screen F5. (Refer to Civil Procedures)

Bench Warrant - The Court orders a warrant for a defendant in a criminal/traffic case. This can be for non-appearance of a defendant, failure to pay a citation or fine, or upon filing of a probable cause affidavit.

Arrest Warrant - A written order which is made on behalf of the prosecution. It is based upon a complaint issued pursuant to statute and/or court rule. An arrest warrant commands a law enforcement officer to arrest a person to be brought before a magistrate.
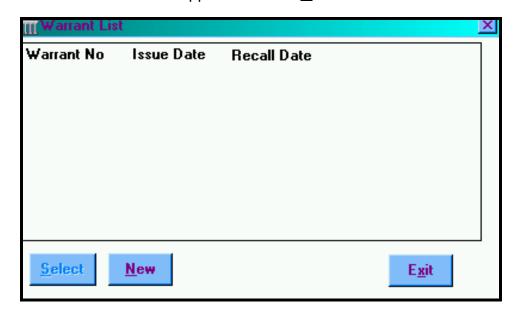
Search Warrant - A search warrant is a written order issued by magistrate. The order directs a sheriff, constable or other officer, to search for and seize any property that constitutes evidence of the commission of a crime. (Refer to Search Warrant procedures).
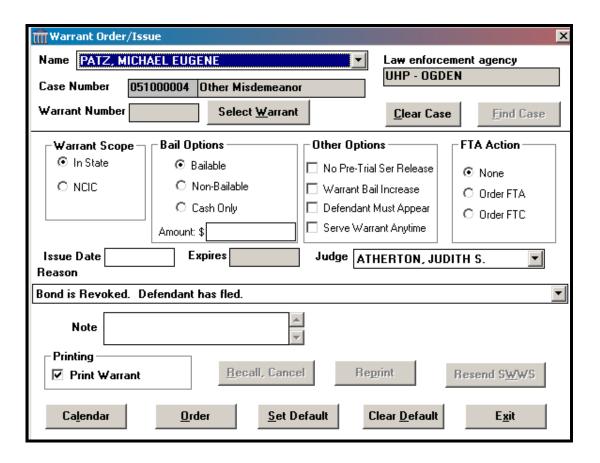
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Procedure/Computer Entry

Upon a Court order, the clerk issues a warrant for the arrest of a defendant with a bail amount determined by a Judge. There are four types of warrants: Bailable; Non-bailable; bench warrant in aid of commitments; and cash only.

Issuing a Bench or Arrest Warrant:

1.   From the **Primary Menu** select **Case > Warrant > Order/Issue/Recall**. (Alt F5)

2.   Warrant List Screen appears. Select **New**.

3. Select the **Warrant Scope**:
   a. In State
   b. NCIC eligible
4. Select one of the **Bail Options**:
   a. Bailable
   b. Non-bailable
   c. Cash only

5. Select Amount and enter bail amount as ordered by the Court.

6. Select any **Other Options** that apply. These options may be left blank.
   a. No Pre-Trial Service Release
      (A service provided by some counties to address over crowding of jail facilities. This option would be selected if the court does not want the defendant released through this service.)
   b. Warrant Bail Increase
      (This option will only apply to traffic charges.)
   c. Defendant Must Appear.
      (This box should be selected if a mandatory court appearance is required and the posting of bail does not clear the case.)
   d. Serve Warrant Anytime.
      (Unless the Judge orders specific hours this box should be selected.)

7. **FTA Action**: (traffic cases only)
   a. None
   b. Order FTA (Failure to Appear)
   c. Order FTC (Failure to Comply)

> If FTA Action is selected during the warrant process it will be activated regardless of warrant status.

8. Select Issue Date and enter today's date.

> When the issue date is entered, the Order button at the bottom of the screen changes to Issue. Select issue button and the warrant will appear in the print index. If the issue date is omitted then the order button remains and the warrant is ordered but does not show on the Statewide Warrant System.
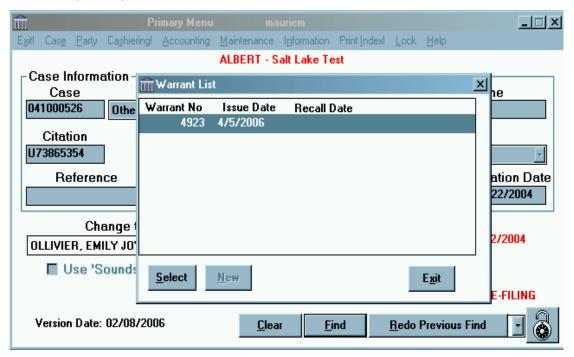
9. Select the **Judge's** name that ordered the warrant.

10. Select **Reason**. This is a drop down box. The clerk <u>must</u> select an appropriate reason for the warrant's issuance.

11. **Note**: This field may be used to type in specific instructions ordered by the Court. If a Commitment is ordered, the number of days may be typed in this field.

12. Select **Issue**.

> Select Calendar to view or schedule events; Select Reprint to reprint warrant; Select Set Default to save screen information for another warrant; Select Clear Default to clear set default selections; Select resend SWWS to resend warrant to State Wide Warrants; Select Order to order warrant (this will not go to State Wide Warrants).
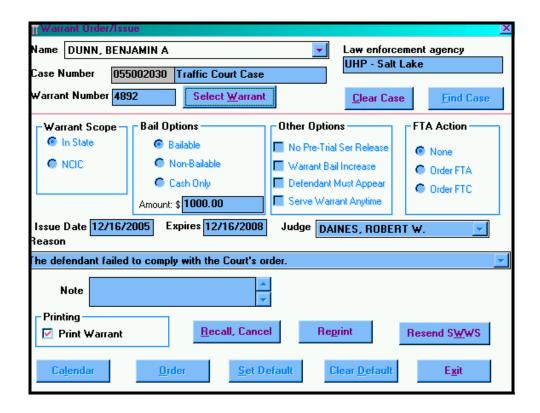
Note: Remove check from Print Warrant box if you do not want warrant to print.

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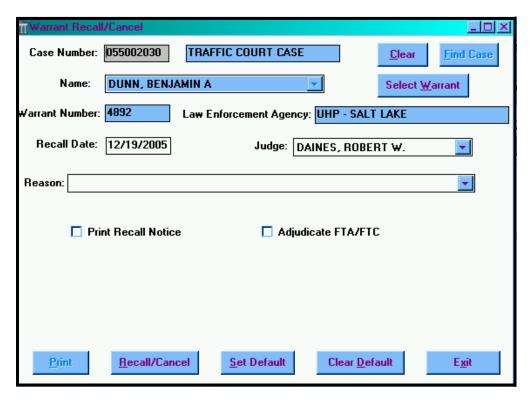## Recalling a Bench or Arrest Warrant:

1. From the **Primary Menu** select **Case > Warrant > Order/Issue/Recall**. (Alt F5)

2. Warrant List Screen Appears

    a. Highlight warrant number & **Select**

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3. Warrant Order/Issue Screen appears.

4. Select **Recall/ Cancel** button on bottom of screen.

5.   Select the **Judge** that is ordering the recall of the warrant.

6.   After you activate the Recall/Cancel button on the Warrant Order/Issue screen, verify that the case number, name, warrant number and LEA are correct. If it is the wrong warrant, activate the Select Warrant button to see warrant list. Leave today's date as the Recall Date, unless it is to be recalled on a future date. Select the Judge ordering the recall.

7.   Select a reason from the drop down box for recalling the warrant.

8.   If a recall notice is needed, check the **Print Recall Notice** box. This will send the recall notice to the print index.

   Check local policy on sending recall notices

9.   If an FTA/FTC has been issued and needs to be adjudicated, check the **Adjudicate FTA/FTC** box.

10.   Select **Recall/Cancel**

11.   If you are recalling multiple warrants, activate the Set Default button before Recall/Cancel. This saves your selections as they are for the next warrant to recall. (To clear these selections, activate the Clear Default button).

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Use the clear button to clear the screen and then type in the next case number to recall a warrant and activate the Find Case button. Activate Recall/Cancel when your selections are complete. To leave the screen activate Exit.